

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2009-0608-02E</b>
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For use by Office of Administrative Law (OAL) only

2009-06-17 1:00  
OFFICE OF  
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY  
Food and AgricultureAGENCY FILE NUMBER (if any)  
PH09032**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Light Brown Apple Moth Interior Quarantine	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3434(b)
	REPEAL
TITLE(S) 3	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)


<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Stephen S. Brown	TELEPHONE NUMBER (916) 654-1017	FAX NUMBER (Optional) (916) 654-1018	E-MAIL ADDRESS (Optional) sbrown@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 6/4/09
TYPED NAME AND TITLE OF SIGNATORY Robert L. Wynn, Statewide Coordinator, Pierce's Disease Control Program	

For use by Office of Administrative Law (OAL) only

In Title 3, Division 4, Chapter 3, amend subsection 3434(b) to read:

**Section 3434. Light Brown Apple Moth Interior Quarantine.**

(b) Area Under Quarantine.

(1) In the counties of Alameda, Contra Costa, Marin, San Francisco, San Benito, San Mateo, Santa Clara and Santa Cruz: Beginning at the intersection of Cascade Drive and Whites Hill Preserve; then, starting northwesterly along Whites Hill Preserve to its intersection with Sir Francis Drake Boulevard; then, starting southeasterly along Sir Francis Drake Boulevard to its intersection with Gunsight Fire Road; then, starting northeasterly along Gunsight Fire Road to its intersection with the boundary line of the Loma Alta Preserve; then, starting northwesterly along said boundary line to its intersection with Loma Alta Fire Road; then, starting northeasterly along Loma Alta Fire Road to its intersection with Nunes Fire Road; then, starting northeasterly along Nunes Fire Road to its intersection with Lucas Valley Road; then, starting northwesterly along Lucas Valley Road to its intersection with Nicasio Valley Road; then, northwesterly along an imaginary line to its intersection with Point Reyes Petaluma Road and Novato Boulevard; then, northeasterly along an imaginary line to its intersection with the northwestern most point of the boundary of Rancho Olompali State Park; then, starting southeasterly along said park boundary to its intersection with US Highway 101; then, starting southeasterly along said highway to its intersection with 38.153465 latitude and -122.567437 longitude; then, northeasterly along an imaginary line to its intersection with the shoreline of the Petaluma River at 38.158019 latitude and -121.544658 longitude; then, starting southeasterly along said shoreline to its intersection with San Pablo Bay coastline; then, starting southerly along said shoreline to its intersection with Miller Creek; then, easterly along an imaginary line to its intersection with the San Pablo Bay coastline and Refugio Creek; then, starting northeasterly along said coastline to its intersection with the southern shoreline of the Carquinez Straight; then, starting southeasterly along said shoreline to its intersection with Pacheco Creek; then, southeasterly along Pacheco Creek to its intersection with Waterfront Road; then, northeasterly along Waterfront Road to its intersection with Kinney Boulevard; then, starting southeasterly along said boulevard to its intersection with State Highway 4; then, starting northeasterly along said highway to its intersection with ~~San Marce~~

~~Boulevard; then, southerly along said boulevard to its intersection with W Leland Road; then, starting southeasterly along said road to its intersection with Bailey Road; then, starting southerly along said road to its intersection with Myrtle Drive; then, southeasterly along said drive to its intersection with Kirker Pass Road; then, southwesterly along Kirker Pass Road to its intersection with Kirkwood Drive; then, starting southeasterly along Kirkwood Drive to its intersection with Jameson Court; then, starting northeasterly along Jameson Court to its eastern most point; then, southerly along an imaginary line to its intersection with the boundary line of the Oakhurst Country Club at 37.955812 latitude and 121.937638 longitude; then, southwesterly along said boundary line to its intersection with Oakhurst Drive; then, starting easterly along Oakhurst Drive to its intersection with Clayton Road; then, starting westerly along Clayton Road to its intersection with Marsh Creek Road; then, starting southeasterly along Marsh Creek Road to its intersection with Mountaire Parkway; then, starting southerly along Mountaire Parkway to its intersection with Mountaire Circle; then, starting southwesterly along Mountaire Circle to its intersection with Mt Tamalpais Drive; then, southwesterly along Mt Tamalpais Drive to its intersection with the boundary line of Mount Diablo State Park; then, starting westerly along said boundary line to its intersection with point 37.902500 latitude and 121.974244 longitude; then, southwesterly along an imaginary line to its intersection with the southeastern most point of an unnamed road at 37.895716 latitude and 121.980741 longitude; then, starting northwesterly along the unnamed road to its intersection with North Gate Road; then, southwesterly along North Gate Road~~  
to its intersection with Willow Pass Road; then, easterly along said road to its intersection with N Broadway Avenue; then, northerly along said avenue to its intersection with Suisun Road; then, southeasterly along said road to its intersection with an unnamed road; then, starting southeasterly along said road to its intersection with the shoreline of the Sacramento River; then, starting northeasterly along said shoreline to its intersection with the shoreline of New York Sough; then, starting southeasterly along said shoreline to its intersection with an unnamed road; then, starting southerly along said road to its intersection with W 10<sup>th</sup> Street; then, starting northeasterly along said street to its intersection with L Street; then, southerly along said

street to its intersection with W 18<sup>th</sup> street; then, easterly along said street to its intersection with E 18<sup>th</sup> street; then, starting easterly along said street to its intersection with State Highway 4; then, southwesterly along said highway to its intersection with Oakley Road; then, easterly along said road to its intersection with Empire Avenue; then, northeasterly along said avenue to its intersection with State Highway 4; then, starting northwesterly along said highway to its intersection with Big Break Road; then, starting northeasterly along said road to its intersection with an unnamed road; then, starting easterly along said road to its intersection with the shoreline of the San Joaquin River; then, starting southeasterly along said shoreline to its intersection with the shoreline of Big Break; then, starting southeasterly along said shoreline to its intersection with Marsh Creek Trail; then, starting southwesterly along said trail to its intersection with Dutch Slough; then, easterly along said slough to its intersection with an unnamed road at 38.004935 latitude and -121.691318 longitude; then, starting easterly along said road to its intersection with Sellers Avenue; then, southerly along said avenue to its intersection with Delta Road; then, westerly along said road to its intersection with Marsh Creek Trail; then, starting southwesterly along said trail to its intersection with Sunset Road; then, westerly along said road to its intersection with Grant Street; then, starting westerly along said street to its intersection with Ohara Avenue; then, starting southerly along said avenue to its intersection with Sand Creek Road; then, starting westerly along said road to its intersection with State Highway 4 Bypass Road; then, southeasterly along said road to its intersection with Balfour Road; then, westerly along said road to its intersection with Deer Valley Road; then, starting northerly along said road to its intersection with Empire Mine Road; then, starting easterly along said road to its intersection with boundary of Black Diamond Mines Park; then, starting easterly along said boundary to its intersection with Black Diamond Mines Regional Preservation; then, starting southeasterly along said boundary to its intersection with an unnamed road at 37.950015 latitude and -121.893463 longitude; then, starting northwesterly along said road to its intersection with Black Diamond Trail; then, starting westerly along said trail to its intersection with Cumberland Trail; then, southerly along an imaginary line to its intersection with an unnamed road at 37.935538 latitude and -121.901891 longitude; then, southeasterly along said road to its

intersection with an unnamed road at 37.932012 latitude and -121.896780 longitude;  
then, starting southeasterly along said road to its intersection with an unnamed road at  
37.927759 latitude and -121.902861 longitude; then, southwesterly along said road to  
its intersection with an unnamed road at 37.927353 latitude and -121.904404 longitude;  
then, starting southeasterly along said road to its intersection with Marsh Creek road;  
then, starting southeasterly along said road to its intersection with the boundary of  
Mount Diablo State Park; then, starting southeasterly along said boundary to its  
intersection with an unnamed road at 37.877902 latitude and -121.893839 longitude;  
then, starting southwesterly along said road to its intersection with an unnamed road at  
37.876122 latitude and -121.899199 longitude; then, starting northwesterly along said  
road to its intersection with an unnamed road at 37.869810 latitude and -121.906685  
longitude; then, starting westerly along said road to its intersection with an unnamed  
road at 37.873035 latitude and -121.923316 longitude; then, starting southerly along  
said road to its intersection with Summit road; then, starting southeasterly along said  
road to its intersection with South Gate Road; then, starting southwesterly along South  
Gate Road to its intersection with Mt Diablo Scenic Boulevard; then, starting  
southwesterly along Mt Diablo Scenic Boulevard to its intersection with Blackhawk  
Road; then, starting southeasterly along Blackhawk Road to its intersection with Crow  
Canyon Road; then, starting southerly along Crow Canyon Road to its intersection with  
Alcosta Boulevard; then, southeasterly along Alcosta Boulevard to its intersection with  
Old Ranch Road; then, starting northeasterly along Old Ranch Road to its intersection  
with Dougherty Road; then, starting southeasterly along Dougherty Road to its  
intersection with Fall Creek Road; then, southeasterly along an imaginary line to its  
intersection with the intersection of 15<sup>th</sup> Street and Cromwell Avenue; then, starting  
northerly along Cromwell Avenue to its intersection with Seville Road; then, starting  
southeasterly along Seville Road to its intersection with an unnamed road at 37.724156  
latitude and -121.892239 longitude; then, starting northeasterly along the unnamed road  
to its intersection with Tassajara Creek; then, easterly along an imaginary line to its  
intersection with Tassajara Road at 37.729332 latitude and -121.873013 longitude; then  
starting northerly along Tassajara Road to its intersection with an unnamed road at  
37.735579 latitude and -121.867972 longitude; then, southeasterly along an imaginary

~~line to its intersection with the northern most point of Croak Road; then, starting southerly along Croak Road to 37.701896 latitude and -121.841647 longitude; then, southerly along an imaginary line Dougherty Road; then, starting southeasterly along said road to its intersection with Bollinger Canyon Road; then, starting easterly along said road to its intersection with E Branch Parkway; then, starting southeasterly along said parkway to its intersection with Windemire Parkway; then, starting southerly along said parkway to its intersection with Camino Tassajara; then, easterly along an imaginary line to its intersection with Doolan Road at 37.748566 latitude and -121.835556 longitude; then, starting southerly along said road to its intersection with US Interstate 580 at 37.701284 latitude and -121.841524 longitude; then easterly along said interstate to its intersection with Arroyo Las Positas; then, starting northerly along Arroyo Las Positas to its intersection with an unnamed creek at 37.701369 latitude and -121.796507 longitude; then, starting northerly along said creek to its intersection with Hartman Road; then, easterly along Hartman Road to its intersection with N Livermore Avenue; then, northerly along said avenue to its intersection with Hartford Avenue; then, easterly along said avenue to its intersection with Lorraine Street; then, northerly along said street to its intersection with Raymond Road; then, easterly along said road to its intersection with Dagnino Road; then, starting northerly along said road to its northwestern most point; then, northwesterly along an imaginary line to its intersection with the boundary line of Alameda County at 37.768542 latitude and -121.753631 longitude; then, northeasterly along said boundary line to its intersection with Vasco Road at 37.777741 latitude and -121.716448 longitude; then, starting northeasterly along said road to its intersection with an unnamed road at 37.781010 latitude and -121.699009 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 37.768124 latitude and -121.687037 longitude; then, starting southerly along an unnamed road to its intersection with an unnamed road at 37.763767 latitude and -121.688842 longitude; then, starting easterly along said road to its intersection with Dyer Road at 37.745812 latitude and -121.676747 longitude; then, southerly along an imaginary line to its intersection with S Flynn Road and Patterson Pass Road; then, starting westerly along Patterson Pass Road to its intersection with Greenville Road; then, southerly along said road to its intersection with East Avenue;~~

then, westerly along said avenue to its intersection with Buena Vista Avenue; then, southerly along said avenue to its intersection with Tesla Road; then, westerly along said road to its intersection with S Livermore Avenue; then, northwesterly along said avenue to its intersection with Wente Street; then, starting southerly along said street to its intersection with Marina Avenue; then, westerly along said avenue to its intersection with 37.656596 latitude and -121.755901 longitude; then, southerly along an imaginary line to its intersection with 37.649824 latitude and -121.755888 longitude; then, southeasterly along an imaginary line to its intersection with 37.649476 latitude and -121.755128 longitude; then, southwesterly along an imaginary line to its intersection with Danielle Court at 37.648866 latitude and -121.755981 longitude; then, southwesterly along said court to its intersection with Hansen Road; then, starting southerly along said road to its intersection with Arroyo Road; then, southerly along said road to its intersection with Westmore Road; then, southwesterly along an imaginary line to its intersection with northeastern most point of E Vineyard Avenue; then, southwesterly along E Vineyard Avenue to its intersection with an unnamed road at 37.640172 latitude and -121.773628 longitude; then, southwesterly along an imaginary line to its intersection with the intersection of Holmes Street and Kalthoff Common; then, starting westerly along Kalthoff Common to its intersection with W Ruby Hill Drive; then, starting southwesterly along said drive to its intersection with Zenato Place; then, starting westerly along Zenato Place to its southern most point; then, northwesterly along an imaginary line to its intersection with the southwestern most point of Tuscany; then, starting northeasterly along Tuscany to its intersection with Safreno Way; then, northeasterly along said way to its intersection with Vineyard Avenue; then, starting northwesterly along said avenue to its intersection with Park Access Road; then, northwesterly along said road to its intersection with the boundary line of Shadow Cliffs Regional Recreation Area; then, starting northwesterly along said boundary line to its intersection with Stanley Boulevard; then, southwesterly along Stanley Boulevard to its intersection with Valley Avenue; then, starting northwesterly along Valley Avenue to its intersection with Hopyard Road; then, starting northwesterly along Hopyard Road to its intersection with W Las Positas Boulevard; then, starting southwesterly along W Las Positas Boulevard to its intersection with Foothill Road; then, southeasterly along

~~Foothill Road to its intersection with Santos Ranch Road; then, starting westerly along Santos Ranch Road to its intersection with an unnamed road at 37.671852 latitude and -121.963391 longitude~~Verde Drive; then, southwesterly along said drive to its intersection with Vineyard Avenue; then, westerly along said avenue to its intersection with Bernal Avenue; then, starting southwesterly along said avenue to its intersection with Hearst Drive; then, southeasterly along said drive to its intersection with Grant Court; then, southeasterly along said court to its southeastern most point; then, southwesterly along an imaginary line to its intersection with Sycamore Road and Alisal Street; then, starting southerly along Alisal Street to its intersection with Happy Valley Road; then, starting westerly along said road to its intersection with Pleasanton Sunol Road; then, starting southeasterly along said road to its intersection with Oak Tree Farm Drive; then, westerly along said drive to its intersection with Foothill Road; then, northwesterly along said road to its intersection with Country Lane; then, southwesterly along said lane to its southwestern most point; then, along an imaginary line to its intersection with the southern most point of South Road; then, northeasterly along said road to its intersection with Golf Road; then, westerly along said road to its intersection with View Drive; then, westerly along said drive to its intersection with 37.628851 latitude and -121.896052 longitude; then, westerly along an imaginary line to its intersection with Kilcare Road at 37.628063 latitude and -121.912188 longitude; then, starting northwesterly along said road to its intersection with an unnamed road; then, starting northwesterly along said road to its intersection with 37.639833 latitude and -121.923097 longitude; then, southwesterly along an imaginary line to its intersection with Sunol Ridge Trail at 37.635119 latitude and -121.934235 longitude; then, starting southwesterly~~northerly~~ along said ~~road~~trail to its intersection with 37.663959 latitude and -121.967888 longitude; then, starting southwesterly along an imaginary line to its intersection with the boundary line of Dry Creek Pioneer Regional Park at 37.622806 latitude and -121.998267 longitude; then, starting southeasterly along the boundary line of Dry Creek Pioneer Regional Park to its intersection with 37.608038 latitude and -121.974629 longitude; then, southeasterly along an imaginary line to its intersection with Old Canyon Road at 37.593051 latitude and -121.1951323 longitude, then, starting southeasterly along Old Canyon Road to its southeastern most point, then,



southeasterly along an imaginary line to its intersection with the northeastern most point of Morrison Canyon Road, then, southeasterly along an imaginary line to its intersection with the intersection of US Interstate 680 and Vargas Road, then, southwesterly along US Interstate 680 to its intersection with Mission Boulevard, then, starting southeasterly along Mission Boulevard to its intersection with Mission Creek; then, starting easterly along Mission Creek to its intersection with the boundary line of Mission Peak Regional Preserve; then, starting northeasterly along said boundary line to its intersection with the boundary line of Alameda County; then, easterly along the boundary line of Alameda County to its intersection with Weller Road; then, starting southerly along said road to its intersection with Calaveras Road; then, southeasterly along said road to its intersection with Felter Road; then, starting southeasterly along Felter Road to its intersection with the boundary line of the City of San Jose; then, starting southwesterly along said boundary line to its intersection with a branch of Berryessa Creek; then, starting southwesterly along said creek branch to its intersection with Berryessa Creek; then, starting westerly along said creek to its intersection with the boundary line of the City of San Jose; then, southeasterly along said boundary line to its intersection with Sierra Road; then, starting southwesterly along said road to its intersection with ~~N Capitol Avenue~~Piedmont Road; then, ~~starting southeasterly along N Capitol Avenue~~said road to its intersection with Mckee Road; then, northeasterly along Mckee Road to its intersection with Kirk Avenue; then, southeasterly along Kirk Avenue to its intersection with Alum Rock Avenue; then, southwesterly along Alum Rock Avenue to its intersection with Fleming Avenue; then, southeasterly along Fleming Avenue to its intersection with Story Road; then, starting southwesterly along Story Road to its intersection with Clayton Road; then, starting southeasterly along Clayton Road to its intersection with Mount Hamilton Road; then, starting southeasterly along Mount Hamilton Road to its intersection with the boundary line of Joseph D Grant County Park; then, starting southwesterly along the boundary line of Joseph D Grant County Park to its intersection with the boundary line of the San Jose MCD; then, starting southeasterly along the boundary line of the San Jose MCD to its intersection with San Felipe Road; then, starting southwesterly along San Felipe Road to its intersection with Silver Creek Road; then, starting southwesterly along Silver Creek Road to its intersection with Road

M; then, starting southeasterly along Road M to its southeastern most point; then, southwesterly along an imaginary line to its intersection with the intersection of Piercy Road and Tennant Avenue; then, southwesterly along Tennant Avenue to its intersection with Silicon Valley Boulevard; then, southwesterly along Silicon Valley Boulevard to its intersection with US Highway 101; then starting southeasterly along US Highway 101 to its intersection with Metcalf Road; then, starting northeasterly along said road to its intersection with Malech Road; then, stating southeasterly along said road to its southeastern most point; then, southeasterly along an imaginary line to its intersection with northern most point of the boundary of the Coyote Creek Park Chain; then, starting southwesterly along said boundary to its intersection with Burnett Avenue; then, starting southwesterly along said avenue to its intersection with US Highway 101; then, southeasterly along said highway to its intersection with Chochrane Road; then, southwesterly along said road to its intersection with Butterfield Boulevard; then, southeasterly along said boulevard to its intersection with Jarvis Lane; then, starting southwesterly along said lane to its intersection with Monterey Street; then, southeasterly along said street to its intersection with Old Monterey road; then, northwesterly along said road to its intersection with Llagas Road; then, southwesterly along said road to its intersection with Teresa Lane; then, starting southwesterly along said lane to its intersection with Llagas Road; then, starting southeasterly along said road to its intersection with Little Llagas Avenue; then, southwesterly along said avenue to its intersection with Oak Glen Avenue; then, starting northwesterly along said avenue to its intersection with Uvas Road; then, starting northwesterly along said road to its intersection with Mckean Road; then, starting northwesterly along said road to its intersection with Fortini Road; then, southwesterly along an imaginary line to its intersection with the intersection of Almaden Road and Mt. Drive; then, starting southerly along Almaden Road to its intersection with Alamitos Road; then, starting southwesterly along Alamitos Road to its intersection with Hicks Road; then, starting northwesterly along Hicks Road to its intersection with Mount Umunhum Road; then, starting southwesterly along Mount Umunhum Road to its intersection with Mount Umunhum L Prieta Road; then, starting southerly along Mount Umunhum L Prieta Road to its intersection with Loma Prieta Road; then, southeasterly along Loma Prieta Road

to its intersection with Summit Road; then, southwesterly along an imaginary line to its intersection with Highland Way and Hihns Sulphur Springs Road; then, westerly along Hihns Sulphur Spring Road to its intersection with the boundary line of Forest of Nisene Marks State Park; then, starting southerly along the boundary line of Forest of Nisene Marks State Park to its intersection with Nisene Marks State Park; then, starting northeasterly along Nisene Marks State Park to its intersection with Buzzard Lagoon Road; then, starting northerly along Buzzard Lagoon Road to its intersection with Ormsby Road; then, starting southeasterly along Ormsby Road to its intersection with Ormsby Cutoff; then, starting northeasterly along Ormsby Cutoff to its intersection with Summit Road; then, starting southeasterly along Summit Road to its intersection with Pole Line Road; then, starting southeasterly along Pole Line Road to its intersection with State Highway 152; then, starting northeasterly along State Highway 152 to its intersection with the western boundary of M11S03E07 (Base/Meridian, Township, Range and Section); then, southerly along the western boundary of M11S03E07 to its intersection with the western boundary of M11S03E18; then, southerly along the western boundary of M11S03E18 to its intersection with the boundary line of Santa Cruz County; then, starting easterly along the boundary line of Santa Cruz County to its intersection with an unnamed creek at 36.923540 latitude and -121.590240 longitude; then, starting southerly along said creek to its intersection with Tar Creek; then, starting northeasterly along Tar Creek to its intersection with US Highway 101; then, starting southeasterly along said highway to its intersection with Rocks Road; then, starting southeasterly along Rocks Road to its intersection with an unnamed road at 36.853922 latitude and -121.587864 longitude; then, starting southwesterly along the unnamed road to its end at 36.837494 latitude and -121.583476 longitude; then, southwesterly along an imaginary line to its intersection with the intersection of Audrey Lane and Crazy Horse Canyon Road; then, starting southeasterly along Crazy Horse Canyon Road to its intersection with San Juan Grade Road; then, southwesterly along San Juan Grade Road to its intersection with Herbert Road; then, starting southeasterly along Herbert Road to its intersection with Old Stage Road; then, starting southeasterly along Old Stage Road to its intersection with Old Natividad Road; then, southeasterly along Old Natividad Road to its intersection with Natividad Creek; then, starting southwesterly

~~along said creek to its intersection with E Laurel Drive; then, southeasterly along E Laurel Drive to its intersection with Williams Road; then, southwesterly along Williams Road to its intersection with Quilla Street; then, starting southeasterly along Quilla Street to its intersection with Skyway Boulevard; then, southeasterly along Skyway Boulevard to its intersection with Airport Boulevard; then, starting southwesterly along Airport Boulevard~~ 36.719550 latitude and -121.598560 longitude; then, easterly along an imaginary line to its intersection with a four-wheel drive road at 36.717980 latitude and -121.569410 longitude; then, starting southwesterly along said road to its intersection with 36.704040 latitude and -121.564340 longitude; then, southerly along an imaginary line to its intersection with a four-wheeled drive road at 36.694790 latitude and -121.564700 longitude; then, southwesterly along said road to its intersection with Old Stage Road; then, starting southerly along said road to its intersection with Zabala Road; then, southwesterly along said road to its intersection with Alisal Road; then, southeasterly along said road to its intersection with 36.640340 latitude and -121.569880 longitude; then, northeasterly along an imaginary line to its intersection with 36.641670 latitude and -121.574070 longitude; then, southwesterly along an imaginary line to its intersection with 36.632760 latitude and -121.577380 longitude; then, northeasterly along an imaginary line to its intersection with Hartnell Road at 36.633710 latitude and -121.580360 longitude; then, southwesterly along said road to its intersection with US Highway 101; then, southeasterly along said highway to its intersection with an unnamed road at 36.612630 latitude and -121.567210 longitude; then, starting southwesterly along an imaginary line to its intersection with the Salinas River at 36.607000 latitude and -121.576409 longitude; then, starting southeasterly along the Salinas River to its intersection with 36.581869 latitude and -121.579517 longitude; then, southeasterly along an imaginary line to its intersection with River Road at 36.572981 latitude and -121.575934 longitude; then, southwesterly along an imaginary line to its intersection with the southern most point of Parker Road; then, southwesterly along an imaginary line to its intersection with Pine Canyon Road and Corral Del Cielo Road; then, starting southeasterly along Corral Del Cielo Road to its intersection with San Benancio Road; then, starting westerly along San Benancio Road to its intersection with State Highway 68; then, starting southwesterly along the State

Highway 68 to its intersection with Laureles Grade Road; then, starting southeasterly along Laureles Grade Road to its intersection with W Carmel Valley Road; then, northwesterly along W Carmel Valley Road to its intersection with Ronnoco Road; then, southwesterly along an imaginary line to its intersection with Robinson Canyon Road at 36.499672 latitude and -121.809815 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 36.497182 latitude and -121.832791 longitude; then, starting northwesterly along an unnamed road to its intersection with Cantera Run; then, starting southeasterly along Cantera Run to its intersection with Rancho San Carlos Road; then, starting northwesterly along Rancho San Carlos Road to its intersection with Carmel Valley Road; then, starting westerly along Carmel Valley Road to its intersection with State Highway 1; then, starting southeasterly along State Highway 1 to its intersection with Rio Road; then, starting northwesterly along Rio Road to its intersection with Santa Lucia Avenue; then, starting southwesterly along Santa Lucia Avenue to its intersection with the boundary line of Carmel-by-the-Sea; then, starting northwesterly along the boundary line of Carmel-by-the-Sea to its intersection with the California coastline; then, starting northeasterly along the coastline of California to its intersection with Waddell Creek; ~~then, starting northerly along Waddell Creek to its intersection with State Highway 1; then, southeasterly along State Highway 1 to its intersection with Canyon Road; then, northeasterly along an imaginary line to its intersection with the intersection of Fiselera Ridge Road and Last Chance Road; then, northeasterly along an imaginary line to its intersection with Purdy Ranch Road and Scott Creek; then, southeasterly along an imaginary line to its intersection with the northern most point of Big Creek Road; then, northeasterly along an imaginary line to its intersection with the western most point of Blodgetts Road; then, starting southeasterly along Blodgetts Road to its intersection with Empire Grade; then, starting northwesterly along Empire Grade to its intersection with Jamison Creek Road; then, northwesterly along an imaginary line to its intersection with the intersection of Heartwood HI and Gazos Creek; then, starting northeasterly along said creek to its intersection with northern most boundary point of Ano Nuevo State Park; then, starting southeasterly along said boundary line to its intersection with 37.186976 latitude and -122.317675 longitude; then, easterly along an imaginary line to its intersection with the~~

boundary line of Big Basin Redwoods State Park at 37.186769 latitude and -122.288604 longitude; then, starting northerly along the boundary line of Big Basin Redwoods State Park to its intersection with State Highway 236; then, starting southeasterly along State Highway 236 until its intersection with State Highway 9; then, starting southerly along State Highway 9 to its intersection with the boundary line for the City of Boulder Creek; then, starting southerly along the boundary line for the City of Boulder Creek to its intersection with Two Bar Road; then, northeasterly along Two Bar Road to its intersection with Cougar Rock Road; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Whalebone Gulch Road; then, southeasterly along Whalebone Gulch Road to its intersection with Bear Creek Road; then, northeasterly along Bear Creek Road to its intersection with Amber Ridge Loop; then, starting southeasterly along Amber Ridge Loop to its eastern most point; then, southeasterly along an imaginary line to its intersection with the intersection of E Zayante Road and Fern Ridge; then, starting easterly along Fern Ridge to its northeastern most point; then, southeasterly along an imaginary line to its intersection with the intersection of Weston Road and Glenwood Drive; then, northeasterly along Glenwood Drive to its intersection with Mountain Charlie Road; then, starting northeasterly along Mountain Charlie Road to its intersection with Riva Ridge Road; then, starting northeasterly along Riva Ridge Road to its intersection with Hutchinson Road; then, starting northeasterly along Hutchinson Road to its intersection with Summit Road; then, starting southeasterly along Summit Road to its intersection with State Highway 17; then, starting northwesterly along State Highway 17 to its intersection with Black Road; then, southwesterly along Black Road to its intersection with Beardsley Road; then, starting northwesterly along Beardsley Road to its northwestern most point; then, northerly along an imaginary line to its intersection with Montevina Road at 37.203696 latitude and -122.013657 longitude; then, starting northerly along Montevina Road to its intersection with Bohlman Road; then, starting southwesterly along said road to its intersection with Bay Spring Road; ~~then, northwesterly along an imaginary line to its intersection with Bohlman Road and Saratoga Creek; then, starting southwesterly along said creek to its intersection with State Highway 9; then, starting easterly along said highway to its intersection with Crestbrook Drive; then, northwesterly along~~

~~Crestbrook Drive to its intersection with Braemar Drive; then, westerly along Braemar Drive to its intersection with Howen Drive; then, southerly along Howen Drive to its intersection with Saratoga Vista Court; then, westerly along said court to its intersection with Beaumont Avenue; then, northerly along said avenue to its intersection with Thelma Avenue; then, westerly along Thelma Avenue to its intersection with Debbie Lane; then, northerly along Debbie Lane to its intersection with Russell Lane; then, starting westerly along Russell Lane to its intersection with Saraview Drive; then, northeasterly along said drive to its intersection with Surrey Lane; then, starting westerly along Surrey Lane to its intersection with Pierce Road; then, starting northeasterly along Pierce Road to its intersection with Comer Drive; then, starting westerly along Comer Drive to its intersection with Star Ridge Court; then, starting westerly along Star Ridge Court to its intersection with Parker Ranch Court; then, starting easterly along Parker Ranch Court to its intersection with Parker Ranch Road; then, starting southwesterly along Parker Ranch Road to its intersection with Prospect Road; then, starting northerly along Prospect Road to its intersection with Arrowhead Lane; then, starting southwesterly along Arrowhead Lane to its northwestern most point; then, along an imaginary line to its intersection with an unnamed road at 37.295200 latitude and -122.056823 longitude; then, starting northwesterly along the unnamed road to its intersection with Regnart Road at 37.296672 latitude and -122.060084 longitude; then, northeasterly along Regnart Road to its intersection with Regnart Canyon Drive; then, starting northwesterly along Regnart Canyon Drive to its intersection with the boundary line of Stevens Creek County Park; then, starting northwesterly along the boundary line of Stevens Creek County Park McGill Road; then, starting westerly along said road to its intersection with Allegheny Court; then, northwesterly along said court to its intersection with Sanborn Road; then, starting northwesterly along said road to its intersection with State Highway 9; then, starting westerly along said highway to its intersection with Redwood Gulch Road; then, starting northwesterly along said road to its intersection with Stevens Canyon Road; then, starting northeasterly along said road to its northern most intersection with the boundary of Stevens Creek County Park; then starting northwesterly along an imaginary line to its intersection with Page Mill Road at 37.345695 latitude and -122.180694 longitude; then, northwesterly along an imaginary~~

line to its intersection with Arastradero Road and Los Trancos Creek; then, starting northwesterly along Los Trancos Creek to its intersection with Alpine Road; then, starting northeasterly along Alpine Road to its intersection with Westridge Drive; then, starting southwesterly along Westridge Drive to its intersection with Portola Road; then, starting northwesterly along Portola Road to its intersection with Old La Honda Road; then, starting southwesterly along Old La Honda Road to its intersection with Skyline Boulevard (State Highway 35); then, starting northwesterly along Skyline Boulevard (State Highway 35) to its intersection with Muddy Road; then, ~~southwesterly along an imaginary line to the northeastern most point of Murray Ranch Road; then, southwesterly along Murray Ranch Road to its intersection with Higgins Canyon Road; then, starting southerly along Higgins Canyon Road to its intersection with 37.432100 latitude and -122.377078 longitude; then, southerly along an imaginary line to its intersection with Purisima Creek at 37.433985 latitude and -122.377082 longitude; then, starting southwesterly along Purisima Creek to its intersection with Verde Road; then, starting southeasterly along Verde Road to its intersection with State Highway 1; then, southeasterly along State Highway 1 to its intersection with Lobitos Creek; then, starting southwesterly along Lobitos Creek~~ La Honda Road; then, starting westerly along said road to its intersection with Pescadero Creek Road; then, starting southerly along said road to its intersection with Memorial Park Road; then, starting southwesterly along Memorial Park Road to its intersection with Pescadero Creek; then, southerly along Pescadero Creek to its intersection with Peterson Creek; then, starting southerly along Peterson Creek to its southern most point; then, southeasterly along an imaginary line to its intersection with the intersection of the western boundary line of Pescadero Creek County Park and Butanoridge; then, starting southwesterly along an imaginary line to its intersection with S Butano Fire T Trail at 37.231365 latitude and -122.305410 longitude; then, starting southwesterly along said fire trail to its intersection with the western boundary line of Butano State Park; then, starting southwesterly along said boundary line to its intersection with Butano Park Road; then, starting southwesterly along Butano Park Road to its intersection with Cloverdale Road; then, starting southerly along said road to its intersection with an unnamed road at 37.192764 latitude and -122.642499 longitude; then, starting southwesterly along the unnamed road to its intersection with



Pigeon Point Road; then, starting southwesterly along said road to its intersection with 37.192981 latitude and -122.379477 longitude; then, northwesterly along an imaginary line to its intersection with 37.210450 latitude and -122.385375 longitude; then, northwesterly along an imaginary line to its intersection with 37.222822 latitude and -122.389314 longitude; then, northwesterly along an imaginary line to its intersection with 37.230258 latitude and -122.392156 longitude; then, northwesterly along an imaginary line to its intersection with 37.238071 latitude and -122.395254 longitude; then, northwesterly along an imaginary line to its intersection with the intersection of Bean Hollow Road and Reservoir Road; then, starting northwesterly along Reservoir Road to its intersection with Pescadero Creek Road; then, northwesterly along Pescadero Creek Road to its intersection with State Highway 1; then, northeasterly along State Highway 1 to its intersection with the northern boundary line of Pescadero State Beach; then, westerly along said boundary line to its intersection with the coast line of California; then, starting northerly along the coast line of California to its intersection with US Highway 101; then, northerly along US Highway 101 to its intersection with the southern boundary line of the Golden Gate National Recreation Area; then, starting westerly along the boundary line of the Golden Gate National Recreation Area to its intersection with the California coastline; then, starting northwesterly along the California coastline to its intersection with 37.906854 latitude and -122.680665 longitude; then, southwesterly along an imaginary line to its intersection with 37.905609 latitude and -122.683048 longitude; then, starting southwesterly along the California coastline to its intersection with the southern boundary of Point Reyes National Seashore; then, northeasterly along said boundary line to its intersection with State Highway 1; then, starting southeasterly along said highway to its intersection with Fairfax Bolinas Road; then, starting northwesterly along said road to its intersection with 37.955833 latitude and -121.636966 longitude; then, starting northeasterly along an imaginary line to the point of beginning.

(2) Continued

~~(3) In the County of Napa, in the Napa area: Beginning at the intersection of State Highway 29 and Salvador Avenue; then, northeasterly along Salvador Avenue to its intersection with Big Ranch Road; then, northwesterly along said road to its~~

~~intersection with Oak Knoll Avenue; then, northeasterly along said avenue to its intersection with Silverado Trail; then, starting southeasterly along said trail to its intersection with Shady Oaks Drive; then, starting northeasterly along said drive to its northeastern most point; then, northeasterly along an imaginary line to its intersection with Soda Canyon Road at 38.368845 latitude and 122.285700 longitude; then, starting northeasterly along said road to its intersection with Loma Vista Drive; then, easterly along an imaginary line to its intersection with the northwestern most point of Old Soda Springs Road; then, starting southeasterly along said road to its intersection with 38.370079 latitude and 122.263934 longitude; then, southeasterly along an imaginary line to its intersection with Atlas Peak Road at 38.368587 latitude and 122.260633 longitude; then, starting northeasterly along said road to its intersection with 38.368591 latitude and 122.251833 longitude; then, starting southeasterly along an imaginary line to its intersection with the eastern most point of Mt. George Avenue; then, southwesterly along said avenue to its intersection with Olive Hill Lane; then, starting northwesterly along said lane to its intersection with Hagen Road; then, southwesterly along Hagen Road to its intersection with Loma Heights Road; then, southerly along said road to its intersection with La Londe Lane; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Lupine Hill Road; then, starting southwesterly along said road to its intersection with 1<sup>st</sup> Avenue; then, starting southwesterly along said avenue to its intersection with Coombsville Road; then, starting southwesterly along said road to its intersection with 3<sup>rd</sup> Street; then, southwesterly along said street to its intersection with Soscol Avenue; then, northwesterly along said avenue to its intersection with 1<sup>st</sup> Street; then, starting southwesterly along said street to its intersection with State Highway 29; then, northwesterly along said highway to its intersection with Napa Creek; then, starting northwesterly along said creek to its intersection with Redwood Creek; then, starting northwesterly along said creek to its intersection with W Pueblo Avenue; then, northeasterly along said avenue to its intersection with Linda Vista Avenue; then, northwesterly along said avenue to its intersection with Trower Avenue; then, northeasterly along said avenue to its intersection with State Highway 29; then, northwesterly along said highway to the point of beginning.~~

(43) In the County of San Benito, in the Hollister area: Beginning at the intersection of State Highway 25 and Fallon Road; then, northeasterly along said road to its intersection with Scagliotti Road; then, southeasterly along said road to its intersection with 36.885859 latitude and -121.380570 longitude; then, northeasterly along an imaginary line to its intersection with 36.887825 latitude and -121.374016 longitude; then, northeasterly along an imaginary line to its intersection with an unnamed road at 36.888541 latitude and -121.369252 longitude; then, starting southeasterly Frye Lane and Shore Road; then, starting southeasterly along Shore Road to its intersection with San Felipe Road; then, starting northwesterly along said road to its intersection with the boundary of San Benito County; then, easterly along said boundary to its intersection with Sulphur Creek; then, starting southerly along said creek to its intersection with Arroyo De Las Viboras; then, starting southeasterly along Arroyo De Las Viboras to its intersection with 36.940719 latitude and -121.342303 longitude; then, southeasterly along an imaginary line to its intersection with 36.934670 latitude and -121.336724 longitude; then, southerly along an imaginary line to its intersection with the northeastern most point of Spring Grove Road; then, southwesterly along said road to its intersection with Benito Road; then, southeasterly along said road to its intersection with Mc Mahon Road; then, southwesterly along said road to its intersection with Carpenter Drive; then, starting southeasterly along said drive to its intersection with Fallon Road; then, starting southeasterly along said road to its intersection with Dooling Road; then, starting southeasterly along said road to its intersection with Rosa Morada Road; then, westerly along said road to its intersection with Fairview Road; then, southerly along said road to its intersection with an unnamed road at 36.887677 latitude and -121.363670 longitude; then, easterly along said road to 36.887634 latitude and -121.354525 longitude; then, southerly along an imaginary line to its intersection with Magladry Road at 36.884088 latitude and -121.354536 longitude; then, southerly along said road to its intersection with Lone Tree Road; then, easterly along said road to its intersection with 36.875602 latitude and -121.345503 longitude; then, southerly along an imaginary line to its intersection with Santa Ana Creek at 36.836815 latitude and -121.344948 longitude; then, southwesterly along an imaginary line to its intersection with John Smith Road and Heatherwood Lane; then, southerly

along Heatherwood Lane to its intersection with Heatherwood Estates Drive; then, starting westerly along said drive to its intersection with Maranatha Drive; then, starting northwesterly along said drive to its intersection with Fairview Road; then, southerly along said Road to its intersection with Ridgemark Drive; then, starting southerly along said drive to its intersection with Marks Drive; then, starting westerly along said drive to its intersection with an unnamed road at 36.812087 latitude and -121.375448 longitude; then, starting southwestly along said road to its intersection with Southside Road; then, starting westerly along said road to its intersection with Hospital Road; then, starting southwestly along said road to its intersection with the San Benito River; then, starting westerly along said river to its intersection with Nash Road; then, starting northeasterly along said road to its intersection with Powell Street; then, northerly along said street to its intersection with South street; then, westerly along said street to its intersection with Line Street; then, northerly along said street to its intersection with Buena Vista Road; then, easterly along said road to its intersection with State Highway 25; then, northerly along said highway to its intersection with Fallon Road; then, northwesterly along an imaginary to its intersection with Mc Connell Road and State Highway 25; then, northwesterly along said highway to its intersection with 36.918823 latitude and -121.450431 longitude; then, northeasterly along an imaginary line to its intersection with 36.929665 latitude and -121.423670 longitude; then, northwesterly along an imaginary line to its intersection with the southeastern most point of Frye Lane; then, northwesterly along said lane to the point of beginning.

~~(5) In the County of San Mateo, in the Pescadero area: Beginning at the intersection of State Highway 1 and State Highway 84; then, starting easterly along State Highway 84 to its intersection with Stage Road; then, southerly along Stage Road to its intersection with Seaside School Road; then, starting southeasterly along said road to its southeastern most point; then, southeasterly along an imaginary line to its intersection with Pomponio Creek Road at 37.304279 latitude and -122.354311 longitude; then, starting northeasterly along Pomponio Creek Road to its intersection with Burns Valley Road; then, starting southwestly along Burns Valley Road to its intersection with Pomponio Truck Trail; then, starting southwestly along Pomponio Truck Trail to its intersection with Pescadero Creek Road; then, starting easterly along~~

~~Pescadero Creek Road to its intersection with Memorial Park Road; then, starting southwesterly along Memorial Park Road to its intersection with Pescadero Creek; then, southerly along Pescadero Creek to its intersection with Peterson Creek; then, starting southerly along Peterson Creek to its southern most point; then, southeasterly along an imaginary line to its intersection with the intersection of the western boundary line of Pescadero Creek County Park and Butanoridge; then, starting southwesterly along an imaginary line to its intersection with S Butano Fire T Trail at 37.231365 latitude and 122.305410 longitude; then, starting southwesterly along said fire trail to its intersection with the western boundary line of Butano State Park; then, starting southwesterly along said boundary line to its intersection with Butano Park Road; then, starting southwesterly along Butano Park Road to its intersection with Cloverdale Road; then, starting southerly along said road to its intersection with an unnamed road at 37.192764 latitude and 122.642499 longitude; then, starting southwesterly along the unnamed road to its intersection with Pigeon Point Road; then, starting southwesterly along said road to its intersection with 37.192981 latitude and 122.379477 longitude; then, northwesterly along an imaginary line to its intersection with 37.210450 latitude and 122.385375 longitude; then, northwesterly along an imaginary line to its intersection with 37.222822 latitude and 122.389314 longitude; then, northwesterly along an imaginary line to its intersection with 37.230258 latitude and 122.392156 longitude; then, northwesterly along an imaginary line to its intersection with 37.238071 latitude and 122.395254 longitude; then, northwesterly along an imaginary line to its intersection with the intersection of Bean Hollow Road and Reservoir Road; then, starting northwesterly along Reservoir Road to its intersection with Pescadero Creek Road; then, northwesterly along Pescadero Creek Road to its intersection with State Highway 1; then, northeasterly along State Highway 1 to its intersection with the northern boundary line of Pescadero State Beach; then, westerly along said boundary line to its intersection with the California coastline; then, starting northerly along said coastline to its intersection with the northern boundary line of San Gregorio State Beach; then, southeasterly along said boundary line to its intersection with State Highway 1; then, northeasterly along said highway to the point of beginning.~~

(64) In the counties of Napa, Solano and Sonoma: Beginning at the intersection of State Highway 29 and Salvador Avenue; then, ~~northeasterly along Salvador Avenue to its intersection with Big Ranch Road; then, northwesterly along said road to its intersection with Oak Knoll Avenue; then, northeasterly along said avenue to its intersection with Silverado Trail; then, starting southeasterly along said trail to its intersection with Shady Oaks Drive; then, starting northeasterly along said drive to its northeastern most point~~Dry Creek Road and Oakville Grade; then, starting northeasterly along Oakville Grade to its intersection with State Highway 29; then, northwesterly along said highway to its intersection with Oakville Cross Road; then, northeasterly along said road to its intersection with Conn Creek; then, starting southeasterly along said creek to its intersection with Rector Creek; then, starting northeasterly along said creek to its intersection with the shoreline of Rector Reservoir; then, starting easterly along said shoreline to its intersection with Rector Creek; then, starting southeasterly along said creek to its intersection with 38.446227 latitude and -122.326109 longitude; then, north~~south~~easterly along an imaginary line to its intersection with Soda Canyon Road at ~~38.368845~~38.432918 latitude and ~~-122.285700~~-122.299459 longitude; then, starting ~~northeasterly~~southwesterly along said road to its intersection with Loma Vista Drive; then, easterly along an imaginary line to its intersection with the northwestern most point of Old Soda Springs Road; then, starting southeasterly along said road to its intersection with 38.370079 latitude and -122.263934 longitude; then, southeasterly along an imaginary line to its intersection with Atlas Peak Road at 38.368587 latitude and -122.260633 longitude; then, starting northeasterly along said road to its intersection with 38.368591 latitude and -122.251833 longitude; then, starting southeasterly along an imaginary line to its intersection with State Highway 121 at 38.353177 latitude and -122.221839; then, starting northeasterly along said highway to its intersection with Wild Horse Valley Road; then, starting southwesterly along said road to its intersection with Coombsville Road; then, westerly along said road to its intersection with Murphy Creek; then, starting southwesterly along said creek to its intersection with Tulocay Creek; then, starting southwesterly along said creek to its intersection with an unnamed creek; then, westerly along the unnamed creek to its intersection with the Napa River; then, starting southwesterly along said river to its

intersection with State Highway 29; then, starting southeasterly along State Highway 29 to its intersection with N Kelly Road; then, southeasterly along said road to its intersection with 38.229247 latitude and -122.253531 longitude; then, easterly along an imaginary line to its intersection with Poison Road at 38.229147 latitude and -122.221332 longitude; then, starting southwesterly along said road to its intersection with 38.221819 latitude and -122.222164 longitude; then, southeasterly along an imaginary line to its intersection with an unnamed road at 38.210305 latitude and -122.205490 longitude; then, southwesterly and southeasterly along the unnamed road to its intersection with the boundary line of Napa County; then, starting southwesterly along the boundary line of Napa County to its intersection with 38.175142 latitude and -122.213659 longitude; then, southeasterly along an imaginary line to its intersection with American Canyon Road and Hiddenbrooke Parkway; then, starting southeasterly along Hiddenbrooke Parkway to its intersection with Fall Street; then, starting southeasterly along Fall Street to its intersection with Landmark Drive; then, starting westerly along Landmark Drive to its intersection with Sulphur Springs Creek; then, southwesterly along an imaginary line to its intersection with Lake Herman Road and an unnamed road at 38.111548 latitude and -122.184516 longitude; then, ~~southwesterly along an imaginary line to its intersection with Ascot Parkway and Georgia Street; then, southwesterly along Georgia Street to its intersection with Columbus Parkway; then, starting southeasterly along Columbus Parkway to its intersection with Rose Drive; then, starting easterly along Rose Drive to its intersection with E 2<sup>nd</sup> Street; then, starting northeasterly along said street to its intersection with Lake Herman Road; then, starting~~ southeasterly along said ~~road~~Lake Herman Road to its intersection with US Interstate 680; then, starting southwesterly along said interstate to its intersection with the coastline of San Francisco Bay; then, starting westerly along said coastline to its intersection with the southern most point of Maritime Academy Drive; then, northwesterly along an imaginary line to its intersection with the southeastern point of the boundary line of the Mare Island Naval Reserve; then, starting northwesterly along the boundary line of the Mare Island Naval Reserve to its intersection with State Highway 37; then, northeasterly along State Highway 37 to its intersection with the eastern shoreline of the Napa River; then, starting northerly along said shoreline to its

intersection with the point 38.191126 latitude and -122.311898 longitude; then, westerly along an imaginary line to its intersection with the mouth of Mud Slough and the Napa River; then, starting southerly along the Napa River to its intersection with the Napa Slough; then, starting northwesterly along the Napa Slough to its intersection with Sonoma Creek; then, starting southerly along Sonoma Creek to its intersection with San Pablo Bay coastline; then, starting southwesterly along said coastline to its intersection with State Highway 37; then, northeasterly along said highway to its intersection with Lakeville Highway; then, northwesterly along said highway to its intersection with an unnamed road at 38.155060 latitude and -122.495070 longitude; then, starting northeasterly along said road to its eastern most point; then, northeasterly along an imaginary line to its intersection with the intersection of Tolay Creek and Arnold Drive; then, starting northeasterly along Arnold Drive to its intersection with Mangel Ranch Road; then, starting northwesterly along Mangel Ranch Road to its intersection with Cannon Lane; then, starting southwesterly along Cannon Lane to its intersection with Lakeville Highway; then, starting northwesterly along Lakeville Highway to its intersection with State Highway 116; then, starting northeasterly along State Highway 116 to its intersection with Ghisletta Road; then, northwesterly along Ghisletta Road to its northwestern most point; then, northwesterly along an imaginary line to its intersection with Periera Road at 38.233631 latitude and at -122.552843 longitude; then, starting northwesterly along Periera Road to its intersection with Gregory Road; then, starting northeasterly along Gregory Road to its eastern most point; then, northeasterly along an imaginary line to its intersection with Tunzi Lane and Old Adobe Road; then, northwesterly along Old Adobe Road to its intersection with Hamilton Road; then, starting northeasterly along Hamilton Road to its intersection with 38.263478 latitude and -122.575320 longitude; then, northeasterly along an imaginary line to its intersection with the southern most point of Brooklime; then, starting northwesterly along Brooklime to its intersection with White Alder; then, starting northeasterly along White Alder to its intersection with Grove Street; then, southeasterly along Grove Street to its intersection with Carriger Creek; then, starting northwesterly along Carriger Creek to its intersection with 38.307784 latitude and -122.537499 longitude; then, northeasterly along an imaginary line to its intersection with the western



most point of Adele's Way; then, starting easterly along said way to its intersection with Katie Lane; then, starting northwesterly along said lane to its intersection with Sobre Vista Road; then, starting northeasterly along said road to its intersection with Arnold Drive; then, northwesterly along said drive to its intersection with Madrone Road; then, northeasterly along said road to its intersection with State Highway 12; then, southeasterly along said highway to its intersection with an unnamed road at 38.341445 latitude and -122.495885 longitude; then, starting northeasterly along said road to its termination at its northeastern point; then, northeasterly along an imaginary line to its intersection with Cavedale Road at 38.347554 latitude and -122.478492 longitude; then, starting southwesterly along said road to its intersection with 38.343558 latitude and -122.477286 longitude; then, easterly along an imaginary line to its intersection with Agua Caliente Creek at 38.343493 latitude and -122.456341 longitude; then, starting southerly along said creek to its intersection with 38.336913 latitude and -122.451559 longitude; then, southeasterly along an imaginary line to its intersection with Norrbom Road at 38.333458 latitude and -122.449825 longitude; then, starting southeasterly along said road to its intersection with Hale Road; then, starting northeasterly along said road to its northeastern most point; then, southeasterly along an imaginary line to its intersection with Gehricke Road at 38.314496 latitude and -122.441469 longitude; then, ~~starting southwesterly along said road to its intersection with 38.305884 latitude and -122.444163 longitude; then, westerly along an imaginary line to its intersection with Norrbom Road at 38.306543 latitude and -122.456757 longitude; then, southerly along said road to its intersection with 1<sup>st</sup> Street W; then, starting southeasterly along said street to its intersection with W Spain Street; then, northwesterly along said street to its intersection with State Highway 12; then, southerly along said highway to its intersection with W Napa Street; then, starting westerly along said street to its intersection with Petaluma Avenue; then, southwesterly along said avenue to its intersection with Arnold Drive; then, southwesterly along Arnold Drive to its intersection with Carriger Creek; then, starting southeasterly along Carriger Creek to its intersection with Leveroni Road; then, southwesterly along Leveroni Road to its intersection with Felder Creek; then, starting southeasterly along Felder Creek to its intersection with Fowler Creek; then, starting southwesterly along Fowler Creek to its intersection with W Watmaugh Road;~~

~~then, starting northeasterly along W Watmaugh Road to its intersection with State Highway 12; then, starting southerly along State Highway 12 to its intersection with Shainsky Road; then, northerly along said road to its intersection with E Watmaugh Road; then, easterly along said road to its intersection with Silva Road; then, northerly along said road to its intersection with Peru Road; then, easterly along said road to its intersection with 8<sup>th</sup> Street E; then, southerly along said street to its intersection with Cassidy Ranch Road; then, starting easterly along said road to its intersection with Hyde Road; then, starting easterly along said road to its intersection with Burndale Road; then, southerly along Burndale Road to its intersection with Fremont Drive; then, easterly along Fremont Drive to its intersection with S Central Avenue; then, southerly along said avenue to its intersection with Dale Avenue; then, easterly along Dale Avenue to its intersection with Ramal Road; then, northerly along Ramal Road to its intersection with an unnamed road at 38.243000 latitude and 122.412000 longitude; then, easterly along the unnamed road to its intersection with an unnamed road at 38.244000 latitude and 122.408000 longitude; then, southerly along an unnamed road to its intersection with an unnamed road at 38.243000 latitude and 122.408000 longitude; then, northeasterly along an unnamed road to its intersection with an unnamed road at 38.244000 latitude and 122.405000 longitude; then, northerly along an unnamed road to its intersection with Westach Way; then, westerly along Westach Way to its intersection with Ramal Road; then, northwesterly along Ramal Road to its intersection with State Highway 121; then, starting northeasterly along State Highway 121 to its intersection with Napa Road; then, northwesterly along Napa Road to its intersection with an unnamed creek at 38.261252 latitude and 122.398628 longitude; then, starting northwesterly along the unnamed creek to its intersection with 38.272574 latitude and 122.390843 longitude; then, southeasterly along an imaginary line to its intersection with an unnamed creek at 38.268046 latitude and 122.377447 longitude; then, northeasterly along an imaginary line to its intersection with Henry Road at 38.277270 latitude and 122.356246 longitude; then, starting southeasterly along Henry Road northeasterly along an imaginary line to its intersection with Redwood Road and Patrick Road; then, starting southeasterly along Patrick Road to its intersection with Browns Valley road; then, southeasterly along said road to its intersection with Buhman~~

Avenue; then, southeasterlywesterly along said avenue to its intersection with Old Sonoma Road; then, northeasterly along said road to its intersection with State Highway 29; then, northerly along State Highway 29 to its intersection with Napa Creek; then, starting northwesterly along said creek to its intersection with Redwood Creek; then, starting northwesterly along said creek to its intersection with W Pueblo Avenue; then, northeasterly along said avenue to its intersection with Linda Vista Avenue; then, northwesterly along said avenue to its intersection with Trower Avenue; then, northeasterlysouthwesterly along said avenue to its intersection with ~~State Highway 29~~Dry Creek Road; then, southeasterly along said road to its intersection with Redwood Road; then, starting southwestery along said road to its intersection with Mt Veeder Road; then, starting northwesterly along said road to its intersection with 38.361806 latitude and -122.392899 longitude; then, northeasterly along an imaginary line to its intersection with Dry Creek Road at 38.374918 latitude and -122.389631 longitude; then, starting northwesterly along said highwayroad to the point of beginning.

(75) Continued

(6) In the County of Santa Clara, in the Gilroy area: Beginning at the intersection of Santa Teresa Boulevard and Fitzgerald Avenue; then northeasterly along Fitzgerald Avenue to its intersection with Monterey Highway; then, southeasterly along said highway to its intersection with Rucker Avenue; then, northeasterly along said avenue to its intersection with New Avenue; then, southeasterly along said avenue to its intersection with Leavesley Road; then, starting northeasterly along said road to its intersection with Dunlap Avenue; then, southwestery along said avenue to its intersection with Furlong Avenue; then, southeasterly along said avenue to its intersection with State Highway 152; then, starting southwestery along said highway to its intersection with Frazier Lake Road; then, starting southerly along said road to its intersection with Bloomfield Avenue; then, southwestery along said avenue to its intersection with Llagas Creek; then, southeasterly along said creek to its intersection with the Pajaro River; then, starting southwestery along said river to its intersection with 36.941953 latitude and -121.518630 longitude; then, northwesterly along an imaginary line to its intersection with Carnadero Creek at 36.947906 latitude and -121.533079 longitude; then, starting southwestery along said creek to its intersection with

36.942869 latitude and -121.535212; then, westerly along an imaginary line to its intersection with Tick Creek North Branch at 36.943019 latitude and -121.552787 longitude; then, starting northwesterly along said creek to its intersection with Castro Valley Road; then, starting northwesterly along said road to its intersection with Wildcat Canyon Creek at 36.943019 latitude and -121.552787 longitude; then, starting northwesterly along said creek to its intersection with Ousley Canyon Creek; then, starting northerly along said creek to its intersection with Club Drive; then, starting southeasterly along said drive to its intersection with Santa Teresa Boulevard; then, starting northwesterly along said boulevard to its intersection with Mantelli Drive; then, westerly along said drive to its intersection with Rancho Hills Drive; then, starting northwesterly along said drive to its intersection with Sunrise Drive; then, starting northeasterly along said drive to its intersection with Tapestry Drive; then, northerly along said drive to its northern most point; then, westerly along an imaginary line to its intersection with Day Road and Santa Teresa Boulevard; then, starting northerly along Santa Teresa Boulevard to the point of beginning.

(87) In the County of Sonoma:

(A) Continued

(B) Continued

(C) In the Sebastopol area: Beginning at the intersection of ~~State Highway 116 and State Highway 12~~; then, ~~northeasterly along State Highway 12 to its intersection with Llano Road~~; then, ~~southeasterly along Llano Road Sullivan Road and Green Valley Road~~; then, ~~northeasterly along Green Valley Road to its intersection with State Highway 116~~; then, ~~northwesterly along said highway to its intersection with Guerneville Road~~; then, ~~easterly along said road to its intersection with Willowside Road~~; then, ~~southerly along said road to its intersection with Hall Road~~; then, ~~easterly along said road to its intersection with Piezzi Road~~; then, ~~southerly along said road to its intersection with Occidental Road~~; then, ~~easterly along said road to its intersection with Irwin Lane~~; then, ~~starting southerly along said lane to its intersection with State Highway 12~~; then, ~~northeasterly along said highway to its intersection with Merced Avenue~~; then, ~~southerly along said avenue to its intersection with Miles Avenue~~; then, ~~easterly~~

along said avenue to its intersection with S Wright Road; then, southerly along said road to its intersection with Ludwig Avenue; then, starting northeasterly along said avenue to its intersection with Stony Point Road; then, starting southerly along said road to its intersection with Rohnert Park Expressway W; then, starting easterly along said expressway to its intersection with State Farm Drive; then, northerly along said drive to its intersection with Hinebaugh Creek; then, starting easterly along said creek to its intersection with Petaluma Hill Road; then, southerly along said road to its intersection with Curtis Drive; then, easterly along said drive to its eastern most point; then, southerly along an imaginary line to its intersection with Roberts Road and Roberts Ranch Road; then, southwesterly along an imaginary line to its intersection with 38.321562 latitude and -122.663570 longitude; then, westerly along an imaginary line to its intersection with Valley House Drive and US Highway 101; then, northerly along said highway to its intersection with Commerce Boulevard; then, northwesterly along said boulevard to its intersection with Golf Course Drive; then, starting easterly along said drive to its intersection with Snyder Lane; then, southerly along said lane to its intersection with an unnamed creek at 38.361150 latitude and -122.685730 longitude; then, starting easterly along said creek to its intersection with Petaluma Hill Road; then, southerly along said road to its intersection with Cane Creek; then, starting northeasterly along said creek to its intersection with the boundary of Cane Creek Regional Park; then, starting westerly along said boundary to its intersection with Pressley Road; then, southwesterly along said road to its intersection with Lichau Road; then, southeasterly along said road to its intersection with Cold Springs Road; then, starting southeasterly along said road to its intersection with Acacia Way; then, southeasterly along said way to its intersection with Tammarack Way; then, starting southerly along said way to its intersection with Lichau Creek; then, starting northwesterly along said creek to its intersection with Petaluma Hill Road; then, southerly along Petaluma Hill Road to its intersection with Old Redwood Highway; then, northwesterly along said highway to its intersection with Penngrove Avenue; then, westerly along said avenue to its intersection with

Minnesota Avenue; then, northerly along said avenue to its intersection with Rose Avenue; then, starting westerly along said avenue to its northwestern most point; then, northwesterly along an imaginary line to its intersection with the southeastern most point of Kelly Lane; then, northwesterly along said lane to its northwestern most point; then, westerly along an imaginary line to its intersection with Birch Lane and W Railroad Avenue; then, southwesterly along W Railroad Avenue to its intersection with Stony Point Road; then, starting northwesterly along said road to its intersection with ~~State Highway 116~~; then, ~~northwesterly along said highway to its intersection with Hessel Road~~; then, ~~westerly along said road to its intersection with Turner Road~~; then, ~~southerly along said road to its intersection with Blank Road~~; then, ~~starting westerly along said road to its intersection with Canfield Road~~; then, ~~northwesterly along said road~~ Roblar Road; then, starting westerly along said road to its intersection with Hensley Road; then, starting westerly along said road to its northeasterly most point; then, northeasterly along an imaginary line to its intersection with the southeastern most point of Dixon Road; then, starting northwesterly along said road to its intersection with Bloomfield Road; then, starting northwesterlyeasterly along said road to its intersection with Napoli Road; then, ~~northerly along said road to its intersection with Midpine Way~~; then, ~~easterly along Midpine Way to its intersection with 38.366983 latitude and 122.819587 longitude~~; then, ~~northerly along an imaginary line to its intersection with the southern most point of Baker Lane~~; then, ~~starting northerly along said lane to its intersection with Snow Road~~; then, ~~northerly along Snow Road to its intersection with an unnamed road~~; then, ~~starting northwesterly along said unnamed road to its intersection with Bollinger Road at 38.377402 latitude and 122.821693 longitude~~; then, ~~northeasterly along said road to its intersection with Elphick Road~~; then, ~~starting easterly along road to its intersection with State Highway 116~~; then, ~~northwesterly along said highway~~ Blucher Valley Road; then, starting northwesterly along said road to its intersection with Kennedy Road; then, westerly along said road to its intersection with Thorn Road; then, starting northerly along said road to its intersection with Barnett Valley Road; then, easterly along said road to its intersection with

Sanders Road; then, starting northerly along said road to its intersection with Watertrough Road; then, starting northwesterly along said road to its intersection with Bodega Highway; then, starting northwesterly along said highway to its intersection with Montgomery Road; then, starting northwesterly along said road to its intersection with Cherry Ridge Road; then, starting northwesterly along said road to its intersection with Occidental Road; then, starting northeasterly along said road to its intersection with Mill Station Road; then, starting northwesterly along said road to its intersection with Dyer Avenue; then, westerly along said avenue to its intersection with Sullivan Road; then, starting northerly along said road to the point of beginning.

(97) Continued

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.  
Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

05/18/09

## FINDING OF EMERGENCY

The Secretary of the Department of Food and Agriculture finds that an emergency exists, and that the foregoing adoption of a regulation is necessary for an immediate action to avoid serious harm to the public peace, health, safety or general welfare, within the meaning of Government Code Section 11342.545 and Public Resources Code Section 21080. The Department does not have a record of any person requesting a notice of regulatory actions under Government Code Section 11346.4(a)(1). Therefore, the provisions of Government Code Section 11346.1(a)(2) do not appear to be applicable to this emergency action as no one has requested such notice.

### Description of Specific Facts Which Constitute the Emergency

The light brown apple moth (*Epiphyas postvittana*) was first detected in California on February 27, 2007 in Alameda County and on March 7, 2007, the light brown apple moth (LBAM) was first detected in Contra Costa County. Through the deployment of delimiting detection traps, numerous additional adult male moths were trapped in both counties. As a result, the Department adopted an emergency regulation, Section 3591.20, which became effective on March 21, 2007. The Department continued to deploy detection traps in additional counties. As a result of multiple detections of LBAM, the Department amended Section 3591.20 to add the counties of Marin and San Francisco (effective April 3, 2007); Santa Clara County (effective April 20, 2007); Monterey, San Mateo and Santa Cruz counties (effective April 23, 2007); and, Napa County (effective June 5, 2007). The Department also proposed the emergency adoption of Section 3434, Light Brown Apple Moth Interior Quarantine (effective April 20, 2007). Emergency amendments to Section 3434 were subsequently made adding portions of Alameda, Contra Costa, Marin, Monterey, San Benito, San Mateo and Santa Cruz counties (effective June 6, 2007) and Napa County (effective June 7, 2007).



On May 2, 2007, the United States Department of Agriculture (USDA) issued a federal order regulating the interstate movement of host material from the infested areas of California and all of Hawaii. Another federal order issued was on April 28, 2008 and included Sonoma and Santa Barbara counties.

On June 21, 2007, emergency amendments to the State regulation were effective adding portions of Alameda, Monterey and Santa Cruz counties; and, including all harvested fruits and vegetables as regulated commodities. On July 18, 2007, emergency amendments were effective adding portions of Alameda, Contra Costa, Los Angeles, Marin, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano counties. On August 21, 2007, emergency amendments were effective adding additional portions of the counties of Alameda, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano. On September 28, 2007, emergency amendments were made, primarily to merge some of the regulated areas of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara counties into one regulated area. On November 8, 2007, an emergency amendment became effective which increased the regulated areas of Half Moon Bay and Pescadero, San Mateo County; and, the jointly regulated areas of Monterey and Santa Clara counties. Emergency amendments were made adding (San Mateo and Santa Clara counties) and removing areas (Los Angeles, Marin, Monterey, Napa and Santa Clara counties - effective November 29, 2007); removing an area (Oakley, Contra Costa County - effective December 3, 2007); and, on December 21, 2007, several expansions became effective for areas in Contra Costa, San Mateo and Santa Clara counties. Subsequent emergency amendments were made expanding or removing existing regulated areas which were effective on February 4 and 8, March 12, 17, and 21, April 8 and 18, May 2 and 7, 2008 and establishing the Sonoma area of Sonoma County (effective May 2, 2008).

On May 15, 2008, a new regulated area was established in the Martinez area of Contra Costa County; and, areas were expanded in the Vallejo area of Solano County, the Mountain View, Palo Alto and San Jose areas of Santa Clara County and the Belmont,

Redwood City and San Carlos areas of San Mateo County. Subsequent emergency amendments were made effective May 23, June 11 and 16, July 11 and 28, August 13, 18 and 26, September 10 and 23, October 14 and 20, November 12, December 12, 2008; January 14, February 27; March 5, 10 and 30, April 27, May 20 and 26, 2009.

In late October 2007, the USDA established a new regulatory protocol which was distributed to county agricultural commissioners as "Phytosanitary Advisory No. 31-2007." This regulatory protocol was adopted based upon the recommendations of the LBAM Technical Working Group (TWG). The purpose of the protocol is to determine when it is appropriate to initiate or remove interstate regulatory restrictions pertaining to LBAM in response to new detections or the elimination of incipient LBAM populations. A key component of this regulatory protocol is the revision of the triggers for initiating a regulated area. Under the recommendations of the TWG, a single detection (trapping) of a male LBAM more than three miles from another male LBAM, no longer warrants a quarantine response. This is contingent upon the deployment of LBAM traps at the appropriate delimitation levels in buffer areas surrounding the single detection. Prior to this regulatory protocol, the detection of a single LBAM was the agreed upon trigger for initiating a quarantine area. The Department reviewed and concurs with this new protocol and is applying the same criteria contained in it to initiate or remove LBAM regulatory restrictions pertaining to the intrastate movement of regulated articles and commodities.

The Department uses Geographic Information Systems (GIS) mapping programs to plot the locations of all the detections of LBAM. As a result, based upon the criteria contained in the USDA regulatory protocol, the Department determined that there are new infestations of LBAM requiring the expansion of regulated areas.

On November 24, 2008 (Pest and Damage Record (PDR) #1489592), March 20 (PDR #5010068), May 4 (PDR #5010834) and 21 (PDR #5016667), 2009, adult LBAM were trapped in the Pescadero area of San Mateo County. On April 21, 2009 (PDR #5010209),

an adult LBAM was trapped in the San Gregorio area of San Mateo County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of San Mateo County.

On December 1, 2008 (PDR #1537840), an adult LBAM was trapped in the Graton area of Sonoma County. On May 5 (PDR #1421931) and May 7 (PDR #s 1421989 and 1421986), 2009, adult male LBAM were trapped in the Rohnert Park area of Sonoma County. On May 11, 2009 (PDR #1537933), an adult male LBAM was trapped in the Sebastopol area of Sonoma County. On May 7, 2009 (PDR #s 1537909 and 1537910), adult male LBAM were trapped in the Sonoma area of Sonoma County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Sonoma County.

On March 19, 2008 (PDR #1282305) and May 14, 2009 (PDR #5011183), adult male LBAM were trapped in the Hollister area of San Benito County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in this area of San Benito County.

On March 31, 2008 (PDR #1503658), an adult male LBAM was trapped in the Concord area of Contra Costa County. On March 27 (PDR #1454197) and April 27 (PDR #5010480), 2009, adult male LBAM were trapped in the Pittsburg area of Contra Costa County. On April 23 (PDR #5010317) and May 4 (PDR #1503400), 2009, adult male LBAM were trapped in the Pittsburg area of Contra Costa County. On April 28, 2009 (PDR #5010670), an adult LBAM was trapped in the Oakley area of Contra Costa County. On April 29, 2009 (PDR #1503420), an adult LBAM was trapped in the San Ramon area of Contra Costa County. On April 30, 2009 (PDR # 1503010), an adult LBAM was trapped in the Clayton area of Contra Costa County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Contra Costa County.

On April 9 (PDR #1502680) and May 14 (PDR #1483243), 2009, adult male LBAM were trapped in the Dublin area of Alameda County. On May 6 (PDR #1502300) and 14 (PDR #1483242), 2009, adult male LBAM were trapped in the Pleasanton area of Alameda County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Alameda County.

On April 14, 2009 (PDR #5009856), an adult male LBAM was trapped in the Monte Sereno area of Santa Clara County. On April 15 (PDR #5009867) and 27 (PDR #5010478), adult male LBAM were trapped in the Cupertino area of Santa Clara County. On April 27, 2009 (PDR #5010474), an adult male LBAM was trapped in the Saratoga area of Santa Clara County. On April 28 (PDR #5010454), 30 (PDR #5010825) and June 1 (PDR #5016640), 2009, adult male LBAM were trapped in the Gilroy area of Santa Clara County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Santa Clara County.

On April 6, 2009 (PDR #5008712), an adult male LBAM was trapped in the Los Gatos area of Santa Cruz County. On April 28, 2009 (PDR #5010399), an adult male LBAM was trapped in the Felton area of Santa Cruz County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Santa Cruz County.

On April 24 (PDR #1421913) and May 7 (PDR #1421985), 2009, adult male LBAM were trapped in the Benicia area of Solano County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in this area of Solano County.

On May 12 (PDR #5011001) and 18 (PDR #5011301), 2009, adult male LBAM were trapped in the Salinas area of Monterey County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in this area of Monterey County.

On May 13, 2009 (PDR #1536180), an adult male LBAM was trapped in the Yountville area of Napa County. On May 14, 2009 (PDR #1542595), an adult male LBAM was trapped in the Napa area of Napa County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Napa County.

LBAM is a highly polyphagous pest that attacks a wide number of fruits and other plants. Hosts occurring in California that are of significant agricultural or environmental concern include, but are not limited to: alder, alfalfa, apple, apricot, avocado, blueberry, blackberry, broccoli, cabbage, camellia, cauliflower, ceanothus, chrysanthemum, citrus, clematis, clover, columbine, cottonwood, currant, cypress, dahlia, ferns, fir, geranium, grape, hawthorn, honeysuckle, kiwi, lupine, madrone, mint, oak, peach, pear, peppers, persimmon, poplar, potato, raspberry, rhododendron, rose, sage, spruce, strawberry, walnut and willow. It is an insect species that feeds upon over 250 species of native and ornamental plants. The general area of infestation contains numerous sensitive plant species and habitats. There is a threat for adverse consequences to some of these sensitive species if LBAM becomes permanently established in California.

Prior to the infestations here, this species had a relatively restricted geographic distribution, being found only in portions of Europe, Oceania and Hawaii. The pest is native to Australia but has successfully invaded other countries. The likelihood and consequences of establishment by LBAM have been evaluated in pathway initiated risk assessments. LBAM was considered highly likely of becoming established in the United States and the consequences of its establishment for United States agricultural and natural ecosystems

were judged to be severe. The United States Department of Agriculture, Animal Plant and Health Inspection Service (USDA, APHIS) estimated that approximately 80 percent of the continental United States may be climatically suitable for LBAM.

In its native habitat of Australia, LBAM generally completes three generations annually. More than three generations can be completed if temperatures and host plants are favorable. In southeastern Australia where it is warmer, four generations can be completed. In contrast, two generations occur in Tasmania, New Zealand and in Great Britain. In Australia, generations do not overlap, but they do in Great Britain. As the population builds, LBAM is more abundant during the second generation. Therefore, the second generation causes the most economic damage as larvae move from foliage to fruit. The size of the third generation is typically smaller than the previous two due to leaf fall (including attached larvae) as temperatures decline in autumn. LBAM does not diapause and its continued development is slowed under cold winter temperatures. In cold climates, the pest overwinters as larvae. Because LBAM causes damage in a wide range of climate types in Australia, pest status is not dictated by climate.

LBAM causes economic damage from feeding by caterpillars, which may:

- destroy, stunt or deform young seedlings;
- spoil the appearance of ornamental and native plants; and
- injure deciduous fruit-tree crops, citrus and grapes.

Based upon losses in Australia, annual losses in California are expected to be much higher as the agricultural sector is larger and more variable. Additionally, LBAM, if not eradicated, will cause economic damage to California's export markets due to the implementation of quarantines by foreign and state governments.

Where it occurs, LBAM is difficult to control with sprays because of its leaf-rolling ability, and because there is evidence of resistance due to overuse of the same insecticides.

Conifers are damaged by needle-tying and chewing. Larvae have been found feeding near apices of Bishop Pine seedlings where they spin needles down against the stem and bore into the main stem from the terminal bud. LBAM constructs typical leaf rolls (nests) by webbing together leaves, a bud and one or more leaves, leaves to a fruit, or by folding and webbing individual mature leaves. During the fruiting season, they also make nests among clusters of fruits, such as grapes, damaging the surface and sometimes tunneling into the fruits. During severe outbreaks, damage to fruit may be as high as 85 percent.

Egg masses are most likely to be found on leaves. The larvae are most likely to be found near the calyx or in the endocarp; larvae may also create “irregular brown areas, round pits, or scars” on the surface of a fruit. Larvae may also be found inside furled leaves, and adults may occasionally be found on the lower leaf surface.

LBAM is an actionable pest for the USDA, APHIS and requires the Australian Quarantine and Inspection Service to take corrective actions to prevent this pest from being associated with apples, citrus, pear fruits and other host commodities being exported to the United States. Host fruit exported from New Zealand faces similar restrictions by USDA, APHIS and the New Zealand Ministry of Forestry and Fisheries is responsible for any corrective actions at origin. Any host commodity arriving in the United States that is infested with or contaminated by LBAM is issued a Federal Emergency Action Notice and must be either destroyed, reexported or undergo an appropriate quarantine treatment prior to its release into the United States commerce. Canada and Japan also treat LBAM as a quarantine action pest. The People’s Republic of China requires all host fruit imported to originate from orchards that are free from LBAM.

Wherever LBAM occurs in association with vineyards, it is considered to be a very important agricultural pest. Unless properly managed, LBAM causes substantial risks to crop yield and quality by causing both direct and indirect damage. Emerging larvae in the spring may feed upon both the flowers and newly set fruitlets causing a direct loss in yield.

Later in the year, LBAM larvae feeding on maturing fruit can cause indirect loss by introducing botrytis infections into the grape bunches. As an example, in 1992 in Australia, 70,000 larvae per hectare were documented and caused a loss of 4.7 tons of Chardonnay fruit. Damage in the 1992-93 Chardonnay season at Coonawarra, southern Australia, cost \$2,000 per hectare.

In South Australia, LBAM is also a significant pest of apricots and can attack other stone fruit. Peaches are also damaged by feeding that occurs on the shoots and fruit.

The first generation (in spring) causes the most damage to apples while the second generation damages fruit harvested later in the season. Some varieties of apples such as 'Sturmer Pippin' (an early variety), 'Granny Smith' and 'Fuji' (late varieties) can have up to 20 percent damage while severe attacks can damage up to 75 percent of a crop.

In Australia, when insecticides are not applied, typically between five to 20 percent of fruit is damaged, but this can exceed 30 percent. In New Zealand, damage to unsprayed crops commonly reaches 50 percent (Wearing et al., 1991). More information regarding potential economic impact in California may be found in the environmental assessment prepared by USDA at [www.aphis.usda.gov/plant\\_health/ea/downloads/lbam\\_ea\\_sc.pdf](http://www.aphis.usda.gov/plant_health/ea/downloads/lbam_ea_sc.pdf). In 10 of California's affected counties, it is estimated that LBAM could cause \$160 to \$640 million in losses. These estimates were derived from the agricultural impacts in Australia and New Zealand. This estimate does not include economic costs to the nursery industry nor to other significant host crops in California such as apricots, avocados, kiwifruit, peaches, etc., grown in other counties.

Exact economic impacts on international and domestic exports are uncertain at this time. California is the nation's leader in agricultural exports and in 2003 shipped more than \$7.2 billion in both food and agricultural commodities around the world. Some countries have specific regulations against this pest, and many others consider it a regulated pest that



would not be knowingly allowed to enter. Additional measures, such as preharvest treatments and postharvest disinfestation, would likely have to be taken to ensure that shipments to these countries are free from LBAM. In addition, LBAM is an exotic pest, i.e., it is not established in the continental United States, and therefore other states within the United States would likely impose restrictions on the movement of potentially infested fruits, vegetables and nursery stock. These restrictions could severely impact the domestic marketing of California agricultural products.

The majority of California does have a climate which would favor the LBAM. Additionally, LBAM may have seven or more generations under some California climatic conditions. If unchecked, this would enable LBAM to build higher population levels in California. Given the known economic damages occurring in LBAM's present range, its potential damage to California's environment and agricultural industry could be devastating, especially without adequate control measures.

This proposed change would expand the contiguous regulated area in the counties of Alameda, Contra Costa, Monterey, San Mateo, Santa Clara and Santa Cruz, Solano and Sonoma by approximately 233 square miles. It would expand the contiguous regulated area of Napa, Solano and Sonoma by approximately 62 square miles. It would expand the regulated Hollister area of San Benito County by 22 square miles and the regulated Sebastopol area of Sonoma County by approximately 65 square miles. It would also establish a new regulated area of approximately 34 square miles in the Gilroy area of Santa Clara County. This would result in a total of approximately 3,194 square miles under regulation within the State. The effect of this proposed change to the regulation will be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas.

Unless the State's LBAM regulation is substantially the same as the LBAM federal regulation and orders, the USDA cannot regulate less than the entire State. As an

example, on January 11, 2008, the USDA issued a Federal Order that expanded its citrus greening (CG) quarantine to encompass the entire State of Florida. This action was a result of the USDA confirming detections of CG in two new Florida counties: Lake and Hernando. Following discussions with the State of Florida, the USDA determined that parallel quarantine actions proposed by the State of Florida were not adequate and, therefore, it was necessary to impose statewide restrictions on the movement of all live host plants and host plant parts from Florida.

Therefore, as there are commercial nurseries located within the proposed regulated area, this emergency amendment to Section 3434 is also necessary to ensure the State's regulation continues to be substantially the same as the federal order issued April 28, 2008, which includes the October 2007 regulatory protocol.

To prevent the spread of the LBAM to non-infested areas in order to protect California's agricultural industry and environment, it is necessary to begin quarantine activities against the LBAM immediately. Therefore, it is necessary to amend this regulation as an emergency action.

The Department also relied upon the following documents for this proposed rulemaking action:

Federal Domestic Quarantine Order, *Epiphyas postvittana*, (Light Brown Apple Moth), DA-2008-17.

Federal Domestic Quarantine Order, *Epiphyas postvittana*, (Light Brown Apple Moth), DA-2007-42.

For Information/Action, DA-2008-02, dated January 11, 2008, to State and Territory Agricultural Regulatory Officials, from Rebecca Bech and its attachments.

"Pest Profile," updated March 16, 2007, Kevin Hoffman, California Department of Food and Agriculture.

"Lightbrown apple moth, Exotic host plants-common," printed March 13, 2007, <http://www.hortnet.co.nz/key/stone/info/hostplnt/iba-exo2.htm>.

"Lightbrown Apple Moth Life Cycle," printed March 12, 2007, HortFACT.

"Light Brown Apple Moth, *Epiphyas postvittana*," printed March 12, 2007, Government of South Australia.

"Light brown apple moth development calculator," printed March 12, 2007, NSW Department of Primary Industries.

"Light brown apple moth in citrus," June 2006, Primefact Number: 216.

"Botrytis and the Light Brown Apple Moth," undated, Bayer CropScience.

"Light Brown Apple Moth Procedures for USA Citrus Export Program," updated June 2006.

"China Export Quarantine IPM Guide," January 2006, Steven Falivene, NSW, DPI.

"Mini Risk Assessment, Light Brown Apple Moth, *Epiphyas postvittana* (Walker), [Lepidoptera: Tortricidae], September 21, 2003, Department of Entomology, University of Minnesota.

"Pests and Pest Management, Impact on Climate Change," February 2000, Dr. Robert W. Sutherst, CSIRO Entomology.

Letter dated May 19, 2009 from Rick Landon to A.G. Kawamura.

Letter dated April 28, 2008, from Lisa Correia to A.G. Kawamura.

Letter dated March 17, 2008, from William D. Gillette to A.G. Kawamura.

Letter dated July 12, 2007, from Kurt E. Floren to A.G. Kawamura.

Letter dated July 11, 2007, from Jearl D. Howard to A.G. Kawamura.

Letter dated June 1, 2007, from David R. Whitmer to A.G. Kawamura.

Letter dated May 25, 2007, from Ken Corbishley to A.G. Kawamura.

Letter dated May 24, 2007, from Paul J. Matulich to A.G. Kawamura.

Letter dated May 4, 2007, from Eric Lauritzen to A.G. Kawamura.

Letter dated May 4, 2007, from Gail M. Raabe to A.G. Kawamura.

Letter dated April 11, 2007, from Greg Van Wassenhove to A.G. Kawamura.

Letter dated April 4, 2007, from Scott T. Paulsen to A.G. Kawamura.

Letter dated April 3, 2007, from Edward P. Myer to A.G. Kawamura.

Letter dated April 2, 2007, from Dennis F. Bray to A.G. Kawamura.

Letter dated March 30, 2007, from Stacy Carlsen to A.G. Kawamura.

Authority and Reference Citations:

Authority: Sections 407 and 5322, Food and Agricultural Code.

Reference: Sections 407 and 5322, Food and Agricultural Code.

### Informative Digest

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322).

Section 3434. Light Brown Apple Moth Interior Quarantine.

The proposed amendment of Section 3434(b) will expand the contiguous regulated area in the counties of Alameda, Contra Costa, Monterey, San Mateo, Santa Clara and Santa Cruz, Solano and Sonoma by approximately 233 square miles. It will expand the contiguous regulated area of Napa, Solano and Sonoma by approximately 62 square miles. It will expand the regulated Hollister area of San Benito County by 22 square miles and the regulated Sebastopol area of Sonoma County by approximately 65 square miles. It will also establish a new regulated area of approximately 34 square miles in the Gilroy area of Santa Clara County. This would result in a total of approximately 3,194 square miles under regulation within the State. The effect of this amendment of the regulation is to establish the authority for the State to perform quarantine activities against LBAM in this additional area.

### Mandate on Local Agencies or School Districts

The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because the affected county agricultural commissioners requested that these changes to the regulation be made.

### Cost Estimate

The Department has also determined that the regulation will involve no additional costs or savings to any state agency because initial funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code and no costs or savings in federal funding to the State.